

Appl. No. 10/092,662  
Amdt. sent March 24, 2006  
Reply to Office Action of January 10, 2006

PATENT

REMARKS/ARGUMENTS

Claims 24-34 are pending. Claim 24 has been amended. No new matter has been added.

Claims 24-27 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Fisher et al (U.S. Pat. No. 6,535,891).

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (U.S. Pat. No. 6,535,891) in view of Andrei et al. (U.S. Publ. No. 2003/0110177).

The undersigned is appreciative for the examiner's time for an interview conducted March 23, 2006. The reference to Fisher was discussed and a tentative agreement was reached as to clarifying language that would overcome the Section 102 rejection. Claim 24 has been amended accordingly.

Claim 24 as previously presented recited "wherein for each data block, a destination storage device is determined based at least on a data structure of the data block." Claim 24 as amended recites this feature more explicitly, "wherein for each data block, a destination storage device is selected based at least on content of the data comprising the data block."

Fisher teaches creating a map between logical blocks of data (as viewed by an application) and physical blocks of data (as actually stored on a storage device). Column 1, lines 52-54 teach "Although the size of a logical block of data may correspond one-to-one to that of a physical block stored in physical space 330, this is not necessarily the case." This simply teaches that a logical block can be the same size as a physical block; in which case the logical block is stored in one physical block. This does not teach selecting a specific physical block for storing the logical block, only that the logical block can be the same size as a physical block. This does not teach the recited "wherein for each data block, a destination storage device is selected based at least on content of the data comprising the data block."

A review of Fisher reveals that the reference is focused on identifying the mapping that exists between logical blocks created by application programs and providing that mapping information to the application programs. See for example, column 2, lines 56-61,

Appl. No. 10/092,662  
Amdt. sent March 24, 2006  
Reply to Office Action of January 10, 2006

PATENT

column 3, lines 48-54, and column 4, lines 13-18. Fisher does not describe how the mapping was arrived at, only that it exists. Fisher therefore does not teach or suggest the recited "wherein for each data block, a destination storage device is selected based at least on content of the data comprising the data block."


For at least the foregoing reason, the Section 102 rejection of the claims is believed to be overcome. Reconsideration of the claims is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:mcg  
60697061 v1